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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,458	10/15/2001	Bin-Yeong Yoon	P67231US0	9967
136	7590	05/27/2005	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			JUNG, MIN	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,458

Applicant(s)

YOON ET AL.

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 20-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-8-02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-18, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the paragraph at lines 22-34 are unclear because the sentence is tangled; it is not clear if all of the functions "establishing/terminating", "receiving", "segmenting", "generating" and "transmitting" are performed by the "cell transmitting means"; it is also not clear how these functions are interrelated; and at the second to the last line, the meaning of the phrase "the cells them to downstream" is unclear.

In claim 7, lines 4-5, it is not clear what is meant by "the kinds of AAL5 frames" and how it is associated with the rest of the claim recitation.

In claim 12, line 2, it seems that "of" should be deleted to make the meaning clear.

In claim 17, line 1, "16" should be changed to "claim 16".

In claim 29, lines 1-2, it is not clear what is intended by the phrase "in a VC merging apparatus a processor".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 19, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widjaja et al. (Performance Issues in VC-Merge Capable Switches for Multiprotocol Label Switching, IEEE Journal, Vol. 17, No. 6, June 1999).

Widjaja teaches VC merging technique and non-VC merging technique, as shown in Fig. 2.

Regarding claims 12, 19, and 26-29, Widjaja teaches establishing a multi point-to-point connection based on an ingress and an egress connection labels for VC merging connection (Widjaja maps incoming VC labels for the same destination to the same outgoing VC label, page 1179, right column, lines 18-20), and establishing a point-to-point connection based on the ingress and the egress connection labels for a non-VC merging connection (Widjaja maps source-destination pair to a unique VC value, page 1179, left column, lines 30-31). Terminating a connection is a counterpart of establishing a connection, and therefore, is inherent in the teaching of Widjaja.

Widjaja fails to teach a determining step for determining a kind of connection. Widjaja, while failing to specifically teach a determining step, presents an architecture of an ATM-LSR (ATM Label Switching Router) that is capable of performing VC merging (page 1180, left column, lines 19-22, and 38-42). By teaching an LSR capable of performing VC merging function, Widjaja implies that non-VC merging capabilities are inherent in the LSR. Non-VC merging function is a conventional function as clearly described by Widjaja, and teaching an LSR which is capable of merging VC's, one can

assume that the LSR also is capable of performing non-VC merging functions.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include a specific step of determining the kind of connection (whether a VC merging connection or a non-VC merging connection) before establishing the connection as a way of deciding which branch of software to take for establishing a proper connection.

Allowable Subject Matter

4. Claims 20-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claims 13-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ashwood-Smith et al. patent, the Feldman et al. patent (6,069,889), the Feldman et al. patent (6,130,889), and the Ise et al. patent are cited for further references.

Art Unit: 2663


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127.

The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
May 25, 2005


Min Jung
Primary Examiner